

AMENDED IN SENATE JUNE 29, 1995

AMENDED IN SENATE MAY 24, 1995

AMENDED IN ASSEMBLY MAY 1, 1995

AMENDED IN ASSEMBLY MARCH 22, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 489

Introduced by Assembly Member Goldsmith

February 16, 1995

An act to amend Section 13220 of the Health and Safety Code, relating to fire protection, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 489, as amended, Goldsmith. Fire protection: emergency procedure information.

(1) Existing law requires the owner or operator of any privately owned highrise structure, as defined, any office building 2 stories or more in height, an apartment house 2 stories or more in height that contains 3 or more dwelling units, or any hotel or motel, as defined, to provide emergency procedure information to persons entering those buildings. Violation of these requirements is punishable as a misdemeanor. Existing law provides that these provisions become operative as to apartment houses on July 1, 1995.

This bill would require that the owner or operator of any building to which this provision is applicable to post this

emergency procedure information in any area that is *conspicuous and* easily accessible to all persons entering the structure, rather than provide this information to persons entering the buildings, as specified. The bill would require that, on or before July 1, 1996, the State Fire Marshal adopt a *consumer-oriented* model brochure or pamphlet that includes general emergency procedure information in English, in international symbols, and in *the 4 of the* most common non-English languages spoken in California. The bill would provide that this provision become applicable to apartment houses on July 1, 1996.

(2) Existing law provides that, in the case of apartment houses, if more than 25 percent of the occupants do not read English, the owner or operator shall provide the emergency procedure information in any language, or languages other than English, understood by at least 25 percent of the occupants.

This bill would delete this provision and instead provide that, if the owner or operator, or any individual acting on behalf of the owner or operator, of an apartment house negotiates a lease, sublease, rental contract, or other term of tenancy contract or agreement in any language other than English, the emergency procedure information shall be provided in ~~the principal language used in these negotiations~~ *English, in international symbols, and in the 4 most common non-English languages spoken in California*. Since violation of these provisions would be a new crime under existing law, this bill would create a state-mandated local program.

~~(3) Existing law provides that an owner, operator, translator, or transcriber who provides emergency procedure information in good faith and without gross negligence shall be held harmless for any errors in the translation or transcription of that emergency information. Existing law also provides that this limited immunity shall apply only to errors in the translation or transcription and not to the providing of the information required to be provided pursuant to this section.~~

~~This bill would extend the scope of the “held harmless” requirement to the provision, posting, or transcription of emergency procedure information and delete the language~~

~~providing that the limited immunity applies only to errors in translation or transcription.~~

~~(4)~~ The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(5)~~

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13220 of the Health and Safety
2 Code is amended to read:

3 13220. (a) The owner or operator of any of the
4 following buildings shall post in any area that is
5 *conspicuous and* easily accessible to all persons entering
6 the structure specific emergency procedures to be
7 followed in the event of fire, including procedures for
8 handicapped and nonambulatory persons:

9 (1) A privately owned highrise structure, as defined in
10 Section 13210.

11 (2) An office building two stories or more in height.

12 (3) An apartment house two stories or more in height
13 that contains three or more dwelling units, and where the
14 front door opens into an interior hallway or an interior
15 lobby area.

16 (4) A hotel or motel.

17 (b) (1) In the case of hotels and motels, emergency
18 procedure information shall also be posted in a
19 conspicuous place in every room available for rental in
20 the hotel or motel, or, at the option of the hotel or motel
21 operator, it shall be provided through the use of
22 brochures, pamphlets, videotapes, or other means
23 pursuant to regulations adopted by the State Fire
24 Marshal.

1 (2) In the case of apartment houses, the owner;
2 *operator, agent, or any individual acting on behalf of the*
3 *owner or operator* shall also provide emergency
4 procedure information to all tenants of record. *This*
5 *requirement may be satisfied* through the use of
6 brochures, pamphlets, ~~videotapes, or other means~~ or
7 *videotapes, if any of these items is available, or this*
8 *requirement may be satisfied* pursuant to regulations
9 adopted by the State Fire Marshal.

10 (3) On or before July 1, 1996, the State Fire Marshal
11 shall adopt a *consumer-oriented* model brochure or
12 pamphlet that includes general emergency procedure
13 information in English, in international symbols, and in
14 ~~four of the~~ *the four* most common non-English languages
15 spoken in California, as determined by the State Fire
16 Marshal.

17 (4) *In the case of an apartment house as described in*
18 *paragraph (3) of subdivision (a), the owner, operator,*
19 *agent, or anyone acting on behalf of the owner, shall post*
20 *emergency procedure information for exiting the*
21 *structure in signs using international symbols at every*
22 *stairway landing, at every elevator landing, at an*
23 *intermediate point of any hallway exceeding 100 feet in*
24 *length, at hallway intersections, and immediately inside*
25 *all public entrances to the building.*

26 (c) (1) If the owner or operator, or any individual
27 acting on behalf of the owner or operator, of an
28 apartment house negotiates a lease, sublease, rental
29 contract, or other term of tenancy contract or agreement
30 in any language other than English, the information
31 required pursuant to paragraph (2) of subdivision (b)
32 shall be provided in ~~the principal language used in these~~
33 ~~negotiations~~ *English, in international symbols, and in the*
34 *four most common non-English languages spoken in*
35 *California, as determined by the State Fire Marshal.*

36 (2) Paragraph (1) shall not apply to a hotel or motel.

37 (d) In the case of apartment houses as described in
38 paragraph (3) of subdivision (a) and paragraph (2) of
39 subdivision (b), this section shall become operative on
40 July 1, 1996.

(e) An owner, *agent*, operator, translator, or transcriber who ~~posts, provides, or transcribes~~ *provides* emergency procedure information pursuant to this section in good faith and without gross negligence shall be held harmless for any errors in the ~~posting, provision, translation,~~ *translation* or transcription of that emergency information. *This limited immunity shall apply only to errors in the translation or transcription and not to the providing of the information required to be provided pursuant to this section.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide continuity and prevent confusion in the provision of vital emergency procedure information, it is necessary that this act take effect immediately.